

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DEXTER TYRONE McDADE,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-20-01006-JD
)	
LUKE PETTIGREW,)	
)	
Respondent.)	

ORDER

Before the Court is a Report and Recommendation [Doc. No. 17] issued by United States Magistrate Judge Shon T. Erwin on April 13, 2021, recommending that Petitioner Dexter Tyrone McDade’s Petition for Writ of Habeas Corpus [Doc. No. 1] be dismissed under *Younger v. Harris*, 401 U.S. 37 (1971), and that Respondent Luke Pettigrew’s Motion to Dismiss [Doc. No. 11] be denied as moot. The Magistrate Judge advised Petitioner that the deadline to file an objection to the Report and Recommendation was April 30, 2021, and that Petitioner’s failure to timely object would waive his right to appellate review of the recommended dismissal. [See Doc. No. 17 at 6]. *See also Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

To date, Petitioner has not filed an objection to the Report and Recommendation or requested an extension of time to do so. Petitioner’s appeal—*McDade v. State of Oklahoma*, Case No. PC-2021-187 (Okla. Ct. Crim. App. Mar. 9, 2021)—still remains pending.

With no objection being filed, the Court ACCEPTS and ADOPTS the Report and Recommendation [Doc. No. 17] in its entirety and DISMISSES this action without prejudice. Respondent Luke Pettigrew's Motion to Dismiss [Doc. No. 11] and Petitioner's Motion for Order titled "Motion for Post Conviction Relief, Application in Alternative for Out of Time Relief" [Doc. No. 8] are DENIED AS MOOT.

IT IS SO ORDERED this 28th day of May 2021.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE